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8 **UNITED STATES BANKRUPTCY COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **(SANTA ROSA)**  
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12 In Re: ) Case No. 07-11283 AJ 7  
13 ) Chapter: 7  
14 RICHARD E. WARREN, JR., )  
15 Debtor. ) Adversary Proceeding No. 08-1005  
16 )  
17 STOCKTON STREET ASSOCIATES, a ) Memorandum re Request for Default Judgment  
18 California General Partnership, )  
19 Plaintiff, )  
20 v. )  
21 RICHARD E. WARREN, JR., )  
22 Defendant. )  
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2 The court does not usually spend much time on default judgments, but there are too many  
3 questions in this case for the court to issue a judgment without a prove-up hearing and some live  
4 testimony. The court does not understand why plaintiff (evidently) gave defendant funds outside of  
5 escrow, and why it had to pay off an unrecorded encumbrance (why wasn't it a bfp for value without  
6 notice?), and why if the encumbrance was recorded there was no title insurance. The court also  
7 does not understand why plaintiff seeks damages in the amount of the encumbrance and not just its  
8 out-of-pocket payments. The court declines to issue a judgment, even by default, until these  
9 questions are answered to the court's satisfaction.

10 The request for a default judgment will therefore not be considered until a hearing has been  
11 held. Plaintiff shall notice a hearing at 10:00 on any stay relief calendar or 9:00 on a Chapter 13  
12 calendar. Plaintiff's representative most knowledgeable about the facts shall appear in person, will  
13 be sworn, and will be asked to address the court's concerns.

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15 Dated: August 7, 2008

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18 Alan Jaroslovsky  
19 U.S. Bankruptcy Judge  
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